

REMARKS

Claims 1-17 are pending in the application. Claims 1, 4, and 14 are independent. By the foregoing Amendment, claims 1-7, 11-14, and 17 have been amended and the Specification has been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to Claims 1 and 3

In the Office Action, the Examiner objected to claims 1 and 3 citing informalities. By the foregoing Amendment, Applicants have amended claims 1 and 3 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 1 and 3.

Rejection of Claims 14-17 Under 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 14-17 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Although Applicants believe claims 14-17 are patentable as written, in the interest of expediting prosecution, by the foregoing Amendment, Applicants have amended the Specification to delete “In addition, a machine-readable medium can include propagated signals such as electrical, optical, acoustical or other form of propagated signals (*e.g.*, carrier waves, infrared signals, digital signals, *etc.*).” Applicants respectfully submit that this amendment accommodates the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 14-17.

Rejection of Claims 2, 12, and 17 Under 35 U.S.C. §112, Second Paragraph

In the Office Action, the Examiner rejected claims 2, 12, and 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. Specifically, the Examiner states that the claims are indefinite because the phrase “in a manner that is transparent” does not define how the firmware, method, or operations is “transparent” to the operating system. Applicants respectfully traverse the rejection.

35 U.S.C. §112, second paragraph, requires that claims (1) set forth the subject matter the

applicant seeks to protect and (2) define the metes and bounds of the subject matter the applicant seeks to protect. (MPEP §2171.) These are two separate requirements. (MPEP §2171.) That is, if a rejection is based on 35 U.S.C. §112, second paragraph, an Examiner should explain whether the rejection is based on indefiniteness (*i.e.*, the metes and bounds of the invention are not defined) **or** on the failure to particularly point out and distinctly claim the subject matter that the applicant regards as the invention (*i.e.*, it is not clear what the invention is). (MPEP §2171.)

In the Office Action, it appears to Applicants that the Examiner is asserting that claims 2, 12, and 17 fail to meet the latter requirement, *i.e.*, fail to set forth the subject matter the Applicants regard as their invention. Applicants respectfully disagree.

MPEP §2173.02 provides that the test for definiteness under 35 U.S.C. §112, second paragraph, is whether “those skilled in the art would understand what is claimed when the claim is read in light of the specification” (*citing Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986)). The phrase the Examiner is concerned with is “in a manner that is transparent” to the operating system. Applicants’ Specification describes an example embodiment of “in a manner that is transparent to the operating system” at paragraph [0037]. To wit: “[A]s used herein, an out-of-band communication channel comprises a communication means that supports communication between devices in an OS-transparent manner – that is, a means to enable inter-blade communication ***without requiring operating system complicity***” (emphasis added). Applicants respectfully submit that, read in light of Applicants’ Specification persons skilled in the art would understand what is claimed in claims 2, 12, and 17. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 2, 12, and 17.

Rejection of Claims 1-8, 11-15, and 17 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 1-8, 11-15, and 17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0088655 to Leigh et al. (hereinafter “*Leigh*”). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id.* citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Embodiments of the claimed invention are directed to OS Agnostic Resource Sharing Across Multiple Servers. Independent claim 1 recites in pertinent part “***routing input data generated at a first server blade to a second server blade***, said input data generated in response to receiving an input signal produced by an input device coupled to a first server blade; and ***providing the input data to an operating system running on the second serve blade***” (emphasis added). Independent claims 4 and 14 recite language similar to the emphasized language. Support for these changes can be found in original claim 11, thus no new search is required.

In the Office Action, the Examiner states that *Leigh* discloses at paragraph [0030], lines 5-11, routing input data generated at a first computing platform to a second computing platform, said input data generated in response to receiving an input signal produced by an input device coupled to a first computing platform, and at paragraph [0036], lines 1-8, and paragraph [0037], lines 13-15, providing the input data to an operating system running on the second computing platform. Applicants respectfully disagree.

Leigh appears to be directed to a remote management system to allow an administrator to control multiple servers from a single remote management unit. In *Leigh*, data signals appear to be passed between the single remote management unit and an individual server. It does not appear that *Leigh* routes data between two servers, just between the remote management unit and a server.

Applicants respectfully submits further that *Leigh* fails to disclose providing input data generated by one server blade to an operating system running on a second serve blade. Applicants respectfully submit that not only is this because *Leigh* does not route data between two servers,

but also because there is no mention in *Leigh* of the operating system. Thus even assuming for the sake of argument that *Leigh* does route data between two servers, Leigh does not disclose where in the second server the data is routed, least of all an operating system. *Leigh* fails to disclose each and every element recited in claims 1, 4, and 14 and claims 1, 4, and 14 are therefore patentable over *Leigh*.

Claims 2-3 properly depend from claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable. Claims 5-8 and 11-13 properly depend from claim 4 and are thus patentable for at least the same reasons that claim 4 is patentable. Claim 17 properly depends from claim 14 and is thus patentable for at least the same reasons that claim 14 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-8, 11-15, and 17.

Rejection of Claims 9-10 and 16 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 9-110 under 35 U.S.C. §103(a) as being obvious over *Leigh* in view of U.S. Patent Publication No. US 2004/0128562 to Bigelow et al. (hereinafter “*Bigelow*”) and claim 16 over *Leigh* in view of U.S. Patent No. 7,114,180 to DeCaprio (hereinafter “*DeCaprio*”). Applicants respectfully traverse the rejection.

Claims 9-10 properly depend from claim 4 and are thus patentable for at least the same reasons that claim 4 is patentable. Claim 16 properly depends from claim 14 and is thus patentable for at least the same reasons that claim 14 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 9-10 and 16.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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